

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KENNETH W. SIMELTON,

Plaintiff,

vs.

No. 13-0265-DRH

**CITY OF CAIRO and
SHAWNEE DEVELOPMENT
COUNCIL,**

Defendants.

ORDER

HERNDON, Chief Judge:

This matter comes before the Court for case management. On June 27, 2013 the Court entered an Order granting plaintiff's motion for recruitment of counsel (Doc. 10). Also, in that Order the Court set forth the process for recruiting counsel through the 200 attorney random pick system in the CM/ECF system. That process was utilized in this case. Thus, the Court **APPOINTS** Charles H. Wilson, Cozen O'Connor, 1221 McKinney St., Suite 2900, Houston TX, 77010 to represent plaintiff in this matter.

As the Court noted in its previous Order, plaintiff is proceeding *in forma pauperis*. Thus, if there is a monetary recovery in this case (either by verdict or settlement), **any unpaid out-of-pocket costs must be paid from the proceeds,**

regardless whether the defendant is ordered to pay costs or not. *See* SDIL-LR 3.1(c)(1). Counsel is advised to familiarize himself with the local rules regarding reimbursement of expenses generally. If there is no recovery in the case (or the costs exceed any recovery), the Court has the discretion to reimburse expenses. The funds available for this purpose are limited, and counsel should use the utmost care when incurring out-of-pocket costs. In no event will funds be reimbursed if the expenditure is found to be without a proper basis. The Court has no authority to pay attorney's fees in this case. **Counsel is encouraged to enter into a contingent fee contract with Plaintiff to address both the payment of attorney's fees and costs should Plaintiff prevail.**

IT IS SO ORDERED.

Signed this 23rd day of July, 2013.





David R. Herndon
2013.07.23
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**Chief Judge
United States District Court**